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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on _20 November 2008_.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) _1-47_ is/are pending in the application.

    4a) Of the above claim(s) _26,34-42 and 46_ is/are withdrawn from consideration.

5) ☒ Claim(s) _10,13,28 and 30_ is/are allowed.

6) ☒ Claim(s) _1-9,11,12,14-25,27,29,31-33,43-45 and 47_ is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on _12 December 2003_ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☒ All   b) ☐ Some *   c) ☐ None of:

      1. ☒ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _10/7/2008_.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAIL ACTION

Acknowledge of **Amendment** received on 11/20/2008 and made of record.

Acknowledge of amendment to claims 1, 7, 21 and 43.

Acknowledge of canceling claims 26, 34-42 and 46.

Acknowledge of new claim 47.

Acknowledge of new IDS submitted on 10/7/2008.

Response to Arguments

Applicant's argument – Page 21, second paragraph regarding claim 1, applicant argues the contents identifier of the present application is used in the mapping of the color preference data to the input image color characteristic data to convert the input image so that the input image has the target color characteristic value. This mapping/correlation feature with the use of a contents identifier is not disclosed in Gu. Gu, rather, discloses a color correction method in which parameters of a target image are iteratively adjusted until they match the parameters of the selected reference.

Examiner's response – Gu teaches in columns 20 lines 5-55 the process that is disclose by the claim language. Particular reference pre-stored data values (which are seen as color preference data that are set before) are use to carry out the match/mapping process to the target image color characteristic, where the Match process matches the corresponding parameter of the selected reference to the

preference data with correction values to the image source. The correction values are what correct/convert the input data.

The image color characteristic that is take into consideration includes such values as gain, gamma, black, red, green and blue, disclose in column 20 lines 40-45.

Applicant's argument – Page 21-22, regarding meta-data, applicant argues that Gu does not teach regarding claim language "…generating of meta-data…"

Examiner's response – Specification paragraph 0022 discloses preference meta-data having at least one feature block, the feature block comprising a block header including a feature identifier corresponding to information identifying a color characteristic and at least one feature descriptor including the preference value and the reference value is recorded.

Gu discloses in column 20 lines 10-20 regarding pre-stored data values that would have color distribution characteristics of the newly created reference image have now been set and stored for later use. This data value is created from carried out Match process of pervious input image and pre-selected reference image. Thus this pre-stored data values do have color characteristics of preference and reference values recorded and stored. Thus Gu teaches the claim language of a generated meta-data.

Applicant's argument – Page 23, regarding claims 9 and 11, applicant argues allowability with the same argument for claim 1.

Examiner's response – Gu teaches all the limitation of claim 1 thus claims 9 and 11

are still rejected.

Applicant's argument – Page 23, regarding claims 12 and 29, applicant argues

allowability with the same argument for claims 1 and 21.

Examiner's response – Gu teaches all the limitation of claim 1 thus claims 12 and 29

are still rejected.

Allowable Subject Matter

Independent claims 10, 13, 28 and 30 and their dependent claims are allow.

Examiner would like to correct that the rejection by Gu is a 35 USC 102 rejection and

not 103 rejection that is stated on the Office Action dated 8/20/2008. The error was due

to inserting the wrong Form Paragraph.

Claim Rejections – 35 USC 102

1.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2.   Claims 1-8, 14-17, 19-27, 31-33, 43-45 and 47 are rejected under 35

U.S.C. 102(b) as being unpatentable over Gu (US Patent Number 5,874,988, IDS).

Gu teaches a system (figure 1) that carries out method (figure 6-8) of generating

meta-data block (figure 12) regarding user preference (column 4 lines 45-55) to

color characteristics (figure 2-3, figure 12, column 8 lines 15-20) on a computer

readable recoding medium (figure 1):

(1) Regarding claims 1, 21, 43 and 45:

A method for generating user preference (column 4 lines 45-55) data

regarding a color characteristic (figure 2-3, figure 12, column 8 lines 15-20) of an

image, where in a preference image (column 4 lines 45-55 discloses the

preference data regarding the color characteristic, figure 2-3, figure 12, column 8

lines 15-20 discloses the color characteristic) comprises an **reference** image

converted (figure 8 step 830 discloses save adjustment to image) to have a color

characteristic that a user prefers a preference values (column 4 lines 45-55

discloses the preference data regarding the color characteristic, figure 2-3, figure

12, column 8 lines 15-20 discloses the color characteristic) comprises (figure 6-7

discloses the input of user prefer predetermined image settings), a color

characteristic value of the preference image and a reference value (figure 8

discloses getting data from the reference image for comparison, generating

{preference value, reference value} (figure 8 disclose the computing of reference

and user preference that will led to creating of data block, figure 12 discloses the

data structure of the data block) comprises a color characteristic value of the

reference image (figure 8 discloses getting data from the reference image for

comparison, generating {preference value, reference value} (figure 8 disclose the

computing of reference and user preference that will led to creating of data block,

figure 12 discloses the data structure of the data block) which corresponds to a

pair of the preference value and the reference value (figure 8 step 810 discloses

the pairing computing of user target/preference and reference data, figure 12

discloses the data block); and

generating a characteristic value (figure 3 discloses color characteristic

such as saturation, hue, luminance, color red, green and blue, figure 8 discloses

color characteristics such as gain, gamma and black, column 8 lines 15-20) pair

{preference value, reference value} which corresponding to a pair of the

preference value and the reference value (column 4 lines 45-55 discloses the

preference data regarding the color characteristic, figure 2-3, figure 12, column 8

lines 15-20 discloses the color characteristic regarding preference value/data,

figure 8 discloses getting data from the reference image for comparison, and

generating {preference value (column 4 lines 45-55 discloses the

preference data regarding the color characteristic, figure 2-3, figure 12, column 8

lines 15-20 discloses the color characteristic regarding preference image/data),

reference value (figure 8 discloses getting data from the reference image for

comparison, generating {preference value, reference value} (figure 8 disclose the

computing of reference and user preference that will led to creating of data block,

figure 12 discloses the data structure of the data block discloses regarding

reference values/image), contents identifier (figure 3 discloses color

characteristic such as saturation, hue, luminance, color red, green and blue,

figure 8 discloses color characteristics such as gain, gamma and black, column 8

lines 15-20)} which corresponds to a combination (the meta-data is the

combination of these values) of the preference value (column 4 lines 45-55

discloses the preference data regarding the color characteristic, figure 2-3, figure

12, column 8 lines 15-20 discloses the color characteristic regarding preference

image/data), the reference value (figure 8 discloses getting data from the

reference image for comparison, generating {preference value, reference value}

(figure 8 disclose the computing of reference and user preference that will led to

creating of data block, figure 12 discloses the data structure of the data block

discloses regarding reference values/image), and the contents identifiers (figure

3 discloses color characteristic such as saturation, hue, luminance, color red,

green and blue, figure 8 discloses color characteristics such as gain, gamma and

black, column 8 lines 15-20) when the reference image has a content identifier

(figure 3 discloses color characteristic such as saturation, hue, luminance, color

red, green and blue, figure 8 discloses color characteristics such as gain, gamma

and black, column 8 lines 15-20); and

generating preference meta-data (figure 12 disclose the data structure of

the meta-data block) having at least one feature block for the pair reference

(column 4 lines 45-55 discloses the preference data regarding the color

characteristic, figure 2-3, figure 12, column 8 lines 15-20 discloses the color

characteristic regarding preference value/data, figure 8 discloses getting data

from the reference image for comparison, generating {preference value,

reference value} (figure 8 disclose the computing of reference and user

preference that will led to creating of data block, figure 12 discloses the data

structure of the data block discloses regarding reference values) {preference

value, reference value} (figure 3 disclose where the information of the feature of

figure 3A are analysis), wherein the feature block comprises:

a block header (figure 12 field part name and spot flag are the header of

the data block) including a feature identifier (figure 12 field part spot flag states

the feature identifier; may it be local or the whole picture) corresponding to

information identifying a color characteristic; and

at least one feature descriptor (figure 12 field part spot flag states the

feature identifier; may it be local or the whole picture) including the preference

value and the reference value (figure 8 step 810 discloses the pairing computing

of user target/preference and reference data, figure 12 discloses the data block)

as values of the identified color characteristic (figure 3 discloses color

characteristic such as saturation, hue, luminance, color red, green and blue,

figure 8 discloses color characteristics such as gain, gamma and black, column 8

lines 15-20) for the preference image (column 4 lines 45-55 discloses the

preference data regarding the color characteristic, figure 2-3, figure 12, column 8

lines 15-20 discloses the color characteristic regarding preference image/data)

and the reference image (, figure 8 discloses getting data from the reference

image for comparison, generating {preference value, reference value} (figure 8

disclose the computing of reference and user preference that will led to creating

of data block, figure 12 discloses the data structure of the data block discloses regarding reference values/image), respectively, **and a content identifier (**figure 3 discloses color characteristic such as saturation, hue, luminance, color red, green and blue. Column 14 lines 1-40 discloses details of figure 3. Figure 8 discloses color characteristics such as gain, gamma and black. Column 20 lines 1-45 discloses of details for figure 8. Column 8 lines 15-20. **) that correlates (**Figure 8. Column 20 discloses detail of figure 8 by means of match processing, where matching is find the correlation**) the color characteristic value (**column 20 lines 40-45 discloses the color characteristic factors consider**) of the reference image (**column 20 lines 10-45 discloses the reference image values that are taken into consideration**) with the color characteristic value (**20 lines 40-45 discloses the color characteristic factors consider**) of the preference image (**column 20 lines 10-45 discloses preference image values that are taken into consideration**) for generating a target color (**column 20 lines 10-45 discloses correction image values that are taken into consideration by the preferred and reference image values**) characteristic value.**

Examiner notes that meta-data header and what is included in the header is a designer choice. Values such as preference value, reference value and content identifier do not define a patentably distinct invention over the Gu's teaching and would have been obvious.

(2) Regarding claims 2 and 22:

wherein the color characteristic (figure 2-3, figure 12, column 8 lines 15-

20) is at least one of color temperature, brightness, contrast, and saturation

(figure 3 discloses color characteristic such as saturation, hue, luminance, color

red, green and blue, figure 8 discloses color characteristics such as gain, gamma

and black, column 8 lines 15-20).

(3) Regarding claims 3 and 23:

(a) providing a plurality of images (abstract discloses plurality of selectable

reference images) having different color characteristic values (figure 3 discloses

color characteristic such as saturation, hue, luminance, color red, green and

blue, figure 8 discloses color characteristics such as gain, gamma and black,

column 8 lines 15-20) with respect to a predetermined image (figure 6-7

discloses the input of user prefer predetermined image settings); and

setting an image that the user (figure 1 part 110 disclose user interface for

user input) has selected from the plurality of images (abstract discloses plurality

of selectable reference images) as a preference image (figure 6-7 discloses the

input of user prefer predetermined image settings), setting an original image with

respect to the preference image (figure 6-7 discloses where user input setting of

image) as a reference image (figure 8 discloses getting data from the reference

image for comparison), and generating [preference image, reference image]

(figure 8 disclose the computing of reference and user preference that will led to

creating of data block, figure 12 discloses the data structure of the data block)

which corresponds to a pair of the preference image and the reference image

(figure 8 step 810 discloses the pairing computing of user target/preference and reference data, figure 12 discloses the data block).

(4) Regarding claims 4 and 24:

(a), further comprising:

installing a unit for controlling a color characteristic of an image (figure 1 disclose the overall unit of user interface and image processing) in an image display device (figure 1 discloses workstation monitor and target image display); and

setting an image of which color characteristic is adjusted by a user (figure 6-7 discloses user input for setting) using the unit for controlling a color characteristic, as a preference image (figure 6-7 discloses the input of user prefer predetermined image settings), setting an original image (figure 8 discloses getting data from the reference image for comparison, where the original image is the reference image that is not adjustable by the user) of which color characteristic is not adjusted by the user, as a reference image (figure 8 discloses getting data from the reference image for comparison), and generating [preference image, reference image] (figure 8 disclose the computing of reference and user preference that will led to creating of data block, figure 12 discloses the data structure of the data block) which corresponds to a pair of the preference image and the reference image (figure 8 step 810 discloses the pairing computing of user target/preference and reference data, figure 12 discloses the data block).

(5) Regarding claims 5 and 25:

generating [preference image, reference image] (figure 8 disclose the computing of reference and user preference that will led to creating of data block, figure 12 discloses the data structure of the data block) is, when the reference image (figure 8 discloses getting data from the reference image for comparison) has a contents identifier (figure 1 part 105 discloses area of interest, this is the content identifier selected by the user, figure 3 discloses the analysis of the area of interest), generating [preference image, reference image, contents identifier] (figure 12 field spot flag, where indicate the area of interest that is focus on) which corresponds to a combination of the preference image, the reference image, and contents identifier information (figure 12 disclose the data block regarding preference, reference and content data).

(6) Regarding claims 6 and 26:

wherein the generating [preference image, reference image] (figure 8 disclose the computing of reference and user preference that will led to creating of data block, figure 12 discloses the data structure of the data block) is, when the reference image (figure 8 discloses getting data from the reference image for comparison) has a contents identifier (figure 1 part 105 discloses area of interest, this is the content identifier selected by the user, figure 3 discloses the analysis of the area of interest), generating [preference image, reference image, contents identifier] (figure 12 field spot flag, where indicate the area of interest that is focus on) which corresponds to a combination of the preference image, the reference

image, and contents identifier information (figure 12 disclose the data block

regarding preference, reference and content data).

(7) Regarding claim 7:

      wherein **in step (a), when the reference image** (figure 8 discloses getting

data from the reference image for comparison, generating {preference value,

reference value} (figure 8 disclose the computing of reference and user

preference that will led to creating of data block, figure 12 discloses the data

structure of the data block discloses regarding reference values/image**) has a**

content identifiers (figure 3 discloses color characteristic such as saturation,

hue, luminance, color red, green and blue, figure 8 discloses color characteristics

such as gain, gamma and black, column 8 lines 15-20**) and when** a color

characteristic (figure 2-3, figure 12, column 8 lines 15-20) value of the preference

image (figure 6-7 discloses the input of user prefer predetermined image

settings) is referred to as a preference value and a color characteristic value of

the reference image (figure 8 discloses getting data from the reference image for

comparison) is referred to as a reference value, **generating {{preference value**

(column 4 lines 45-55 discloses the preference data regarding the color

characteristic, figure 2-3, figure 12, column 8 lines 15-20 discloses the color

characteristic regarding preference image/data**), reference value (**figure 8

discloses getting data from the reference image for comparison, generating

{preference value, reference value} (figure 8 disclose the computing of reference

and user preference that will led to creating of data block, figure 12 discloses the

data structure of the data block discloses regarding reference values/image**),**

contents identifier (figure 3 discloses color characteristic such as saturation,

hue, luminance, color red, green and blue, figure 8 discloses color characteristics

such as gain, gamma and black, column 8 lines 15-20**)} which corresponds to**

a combination of the preference value (column 4 lines 45-55 discloses the

preference data regarding the color characteristic, figure 2-3, figure 12, column 8

lines 15-20 discloses the color characteristic regarding preference image/data**),**

the reference value (figure 8 discloses getting data from the reference image for

comparison, generating {preference value, reference value} (figure 8 disclose the

computing of reference and user preference that will led to creating of data block,

figure 12 discloses the data structure of the data block discloses regarding

reference values/image**) and the content identifier (**figure 3 discloses color

characteristic such as saturation, hue, luminance, color red, green and blue,

figure 8 discloses color characteristics such as gain, gamma and black, column 8

lines 15-20**).**

(8) Regarding claims 8 and 27:

wherein a color temperature (figure 3 discloses color temperature such as

hue, saturation, luminance, color red, green and blue) value in step (a) is

obtained by the following steps comprising:

extracting a highlight region (figure 3A display the highlighted area as the

area of interest) from an input color image (figure 1 part 105 disclose the

highlighted area of interest for extraction/image processing);

projecting the highlight region (figure 3A-3B disclose the projection of the

area of interest from extraction) on a chromaticity coordinate (figure 3B discloses

the area of interest projected on the chromaticity coordinate of red, green and

blue in vectorscope format) and calculating geometric representation variables

(figure 3B disclose the geometric shape in the vectorscope of color red, green

and blue, figure 3C) with respect to a shape (figure 3C discloses the makeup of

the image in the shape format) distributed on the chromaticity coordinate (figure

3B discloses the area of interest projected on the chromaticity coordinate of red,

green and blue);

estimating a color temperature (figure 3C-3F discloses the processing of

the color temperature of in the selected region of interest) from the input color

image by perceptive light source estimation (figure 3F disclose the luminance

processing); and

selecting geometric representation variables (figure 3B discloses the area

of interest projected on the chromaticity coordinate of red, green and blue)

around the estimated color temperature (figure 3C-3F discloses the processing of

the color temperature of in the selected region of interest) from the geometric

representation variables (figure 3B discloses the area of interest projected on the

chromaticity coordinate of red, green and blue) and calculating a final color

temperature using the selected geometric representation variables (figure 7

discloses the part where the user inputs for adjustment are use to adjust the

image).

(9) Regarding claims 14, 16 and 31:

wherein step (a) further comprises,

when [preference value, reference value] exists before [preference value,

reference value] in step (a) is generated (), comparing the pair [preference value,

reference value] generated in step (a) with an existing pair [preference value,

reference value] and updating the pair [preference value, reference value]

(column 20 lines 10-25 discloses existing of data block, the update and the

saving of the new data block),

wherein the updating is (column 20 lines 10-25 discloses the updating by

saving of the new data block), with respect to one preference value, when the

reference value generated in step (a) is compared (column 4 lines 45-60

discloses where the user can have visually comparing) with the existing

reference value and is the same as or similar to the existing reference value,

removing the existing reference value (column 20 lines 10-25 discloses existing

of data block, the update and the saving of the new data block).

wherein the updating is (column 20 lines 10-25 discloses the updating by

saving of the new data block), when quantization levels (figure 12 discloses

"Field" teaching regarding quantization level of low, high, peak or medium) of the

two reference values are different (figure 8 discloses the getting data of reference

image to compare with user target/predetermined, the values of reference and

user target are seen as the two reference values that are pair up to be compare),

converting a value of high level into a value of low level (figure 8 step 817-825

discloses the adjustment that is seen as converting level values, figure 12

discloses the data structure regarding the number for values such as low, high,

peak and medium for the color in the target area of interest) and comparing with

each other (figure 8 step 810 disclose comparing function), and when image

contents identifiers (figure 8 step 830 disclose saving data and adjustment, figure

12 field spot flag is part of the saving content identifiers) are added to the

characteristic value pairs (figure 8 step 817-825 and 830 discloses the

adjusting/adding of the color characteristics), even though the two reference

values are the same as or similar to each other (figure 815 disclose the function

of seeing if there is a match or not), if the image contents identifiers are different

(figure 8 step 815-825 discloses functions carry out for content identifiers that are

different), without removing the existing reference value (figure 8 step 815-825

discloses steps of adjusting the values rather than removing the values).

(10) Regarding claim 15:

wherein step (b) further comprising,

when [preference value, reference value] exists before [preference value,

reference value] in step (b) is generated, comparing the pair [preference value,

reference value] generated in step (b) with an existing pair [preference value,

reference value] and updating the pair [preference value, reference value]

(column 20 lines 10-25 discloses existing of data block, the update and the

saving of the new data block),

wherein the updating is (column 20 lines 10-25 discloses the updating by

saving of the new data block), with respect to one preference value, when the

reference value generated in step (b) is compared (column 4 lines 45-60

discloses where the user can have visually comparing) with the existing

reference value and is the same as or similar to the existing reference value,

removing the existing reference value (column 20 lines 10-25 discloses existing

of data block, the update and the saving of the new data block).

(11) Regarding claim 17:

wherein the number of the feature blocks is four (figure 3), and each of the

feature blocks corresponds to the four characteristic values (figure 3 disclose the

color characteristics such as vectorscope, hue, saturation and luminance).

(12) Regarding claims 19 and 32:

wherein the block header (figure 12 field part name and spot flag are the

header of the data block) of the feature block (figure 12 field part spot flag states

the feature identifier; may it be local or the whole picture) further comprises a

number-of-descriptors value (figure 12 field part disclose the different spots for

the values that are been compile in the data block) indicating the number of

feature descriptors contained in the feature block (figure 12 field part includes

spots, for local or whole of the image, for flag, red, green and blue colors).

(13) Regarding claims 20, 33 and 44:

a Bin number (figure 12 discloses "Type" teaching that there is a bin

number) indicating a quantization level (figure 12 discloses "Field" teaching

regarding quantization level of low, high, peak or medium) of the characteristic

value (figure 12 discloses that different colors characteristics such as red, green

and blue);

a contents ID flag (figure 12 discloses "Spot Flag" that teaches the

indication of area of interests that is being analysis) indicating the presence of an

image contents identifier; and

a contents identifier if the image contents identifier exists.

(14) Regarding claim 47:

Wherein the color characteristic calculating unit (**column 20 lines 45-55**

discloses the system), when the reference image (**figure 8 discloses getting**

data from the reference image for comparison, generating {preference

value, reference value} (figure 8 disclose the computing of reference and

user preference that will led to creating of data block, figure 12 discloses

the data structure of the data block discloses regarding reference

values/image) has a content identifier (**figure 3 discloses color characteristic**

such as saturation, hue, luminance, color red, green and blue, figure 8

discloses color characteristics such as gain, gamma and black, column 8

lines 15-20), further comprises a content identifiers (**figure 3 discloses color**

characteristic such as saturation, hue, luminance, color red, green and

blue, figure 8 discloses color characteristics such as gain, gamma and

black, column 8 lines 15-20) in the pair {preference value, reference value} and

generates a combination {{preference value (**column 4 lines 45-55 discloses**

the preference data regarding the color characteristic, figure 2-3, figure 12,

column 8 lines 15-20 discloses the color characteristic regarding

preference image/data), reference value (**figure 8 discloses getting data from**

the reference image for comparison, generating {preference value,

reference value} (figure 8 disclose the computing of reference and user

preference that will led to creating of data block, figure 12 discloses the

data structure of the data block discloses regarding reference

values/image), contents identifier (**figure 3 discloses color characteristic**

such as saturation, hue, luminance, color red, green and blue, figure 8

discloses color characteristics such as gain, gamma and black, column 8

lines 15-20)}.

Claim Rejections – 35 USC 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 9 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Gu (US Patent Number 5,874,988, IDS) in view of Reuman (US Patent Number

6,069,982).

(1) Regarding claim 9 and 11:

Gu teaches regarding saturation values (figure 3C) in the RGB (figure 3B)

and HSV (figure 3D-3F) color space, as well as luminance values (figure 3F).

Gu does not teach YcbCr color space nor where generating the value

pixel values by adding the pixels of interest and dividing the added saturation by

the number of pixels, as a pixel value.

However, Reuman does teach regarding generating the value pixel values

by adding the pixels of interest and dividing the added saturation by the number

of pixels, as a pixel value (column 6 lines 30-45) and YcbCr color space (column

5 lines 60-68).

It would have been obvious to one skill in the art at the time of the

invention to employ Reuman teachings to Gu regarding calculating pixel values

from one color space to another color space targeting such values as saturation

and luminance. Due to different kind of displays and outputs, certain color space

display such values in way that would optimizes the showing of that color

representation.

The motivation to combine this form of calculation such that estimating the

spatial noise characteristics associated with the image would enable the proper

target calculation for the saturation and luminance value.

5.   Claims 12 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Gu (US Patent Number 5,874,988, IDS) in view of Reuman (US Patent Number

6,069,982) as in claim 11, in view of Pettigrew et al (US 2001/0028736 A1).

(1) Regarding claims 12 and 29:

Gu teaches regarding luminance values (figure 3F).

Gu does not teach regarding calculating the luminance Y of the pixel is

determined by Y=0.299.times.R+0.587.times.G+0.114.times.B.

However, Pettigrew et al teaches regarding calculating the luminance Y of

the pixel is determined by Y=0.299.times.R+0.587.times.G+0.114.times.B. (figure

8 part 803).

It would have been obvious to one skill in the art at the time of the

invention to employ Pettigrew et al teachings to Gu regarding calculating the

luminance Y of the pixel in this way.

The motivation to combine the teaching is due to that this way of

calculating the luminance Y is seem to be common and acceptable way.

6.   Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gu (US

Patent Number 5,874,988, IDS).

(1) Regarding claim 18:

Gu discloses regarding color temperature analysis for different color

characteristic values in figure 3 of the area of location.

Gu does not disclose expressly values such as 0-3 for each of the

different color characteristic values.

At the time of the invention, it would have been obvious to a person of

ordinary skill in the art to place whatever labeling values for the color

characteristics that has been analysis. Applicant has not disclose that labeling

values for the color characteristics provides an advantages, is used for a

particular purpose or solves a stated problem. One of ordinary skill in the art,

furthermore, would have expected Applicant's invention to perform equally well

with either this labeling practice by Gu or the claim 18 because the creation of

the meta-data block structure is depend on the setting that the data block

generator where the data block complier determine what is most efficient for

them.

Therefore, it would have been obvious to combine wherein the updating is,

when quantization levels of the two reference values are different, converting a

value of high level into a value of low level and comparing with each other, and

when image contents identifiers are added to the characteristic value pairs, even

though the two reference values are the same as or similar to each other, if the

image contents identifiers are different, without removing the existing reference

value. wherein the number of the feature blocks is four, and each of the feature

blocks corresponds to the four characteristic values to one of ordinary skill in this

art to modify Gu with to obtain the invention as specified in claim 18.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy

as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to TSUNG-YIN TSAI whose telephone number is

(571)270-1671. The examiner can normally be reached on Monday - Friday 8 am - 5

pm ESP.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

/Tsung-Yin Tsai/

Examiner, Art Unit 2624

January 7, 2009